

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LISA ROBERTS,

Plaintiff,

vs.

GRANITE STATE INSURANCE CO. et  
al.,

Defendants.

NO. CV-13-0205-JLQ

ORDER OF REMAND TO  
SPOKANE COUNTY SUPERIOR  
COURT

On June 10, 2013, this court issued an Order to Show Cause (ECF No. 9-1) raising concerns as to this court's subject matter jurisdiction and directing Defendants to show cause on or before June 25, 2013, why the action should not be remanded to state court for lack of jurisdiction herein. The Order further provided that failure to comply with the Order would result in remand of the action to state court. On June 25, 2013, the parties filed a "Joint Motion and Stipulation to Remand." (ECF No. 13). The court construes this as an implicit recognition that federal court subject matter jurisdiction is lacking. Accordingly,

**IT IS HEREBY ORDERED:**

1. The Joint Motion to Remand (ECF No. 13) is **GRANTED**. This matter is remanded to the Spokane County Superior Court.

2. Section 1447(c) provides: "An order remanding the case may require payment for just costs and any actual expense, including attorney fees, incurred as a result of the removal." The United States Supreme court has directed that, "absent unusual

1 circumstances, attorney's fees should not be awarded when the removing party has an  
2 objectively reasonable basis for removal." *Martin v. Franklin Capital Corp.*, 546 U.S.  
3 132, 136 (2005). This court need not reach the issue of fees, as the parties have  
4 stipulated that the remand should be "without an award of fees or costs to any party."  
5 (ECF No. 13, p. 2).

6 3. The Clerk shall deliver a certified copy of this Order to the Clerk of the  
7 Spokane County Superior Court. The Superior Court may thereupon proceed with the  
8 case pursuant to 28 U.S.C. § 1447(c).

9 **IT IS SO ORDERED.** The Clerk shall enter this Order, furnish copies to counsel,  
10 and the Clerk of the Superior Court in and for the County of Spokane, and close this file.

11 Dated this 26<sup>th</sup> day of June, 2013.

12 s/ Justin L. Quackenbush  
13 JUSTIN L. QUACKENBUSH  
14 SENIOR UNITED STATES DISTRICT JUDGE  
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